



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8945

UNITED STATES OF AMERICA,
Plaintiff,

v.

SOTO-Castro, Javier,

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about November 25, 2007, within the Southern District of California, defendant Javier SOTO-Castro, did knowingly and intentionally import approximately 11.96 kilograms (26.31 pounds) of methamphetamine a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Mathew Kelley, Special Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF
NOVEMBER 2007.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

Javier SOTO-Castro**STATEMENT OF FACTS**

This complaint is based on the personal observations, investigation and information provided to Immigration & Customs Enforcement Special Agent Mathew Kelley.

On November 25, 2007, at approximately 1358 hours, Javier SOTO-Castro entered the United States at the Calexico, California, West Port of Entry. SOTO was the registered owner and sole occupant of a 2004 Dodge Neon. SOTO gave a negative customs declaration to primary Customs and Border Protection Officer (CBPO) Dorantes.

SOTO advised CBPO Dorantes he was on his way home to Coachella after visiting family members in Mexicali. SOTO claimed ownership of the vehicle. CBPO Dorantes noticed there was only one key present in the ignition and that SOTO appeared nervous, in the form of avoiding eye contact and trembling hands. CBPO Dorantes then referred SOTO to the Vehicle Secondary (VS) lot.

During secondary inspection, the vehicle was screened by Canine Enforcement Officer Caldera and a Narcotics Detection Dog (NDD). The NDD alerted to the presence of the odor of drugs emanating from the dash of the vehicle.

Secondary CBPO Castillo and Canine Enforcement Officer Cuen escorted SOTO to the VS office. SOTO stated to CBP Officer Castillo he was only bringing candy and popcorn from Mexico. SOTO stated to CBPO Castillo he had owned the vehicle for approximately four months. SOTO stated he was on his way to his residence in Coachella CA and he was returning from his wife's residence in Mexicali. SOTO stated that he had arrived in Mexicali the night prior to his arrest.

During an intense inspection of the vehicle a total of twenty (20) packages was discovered concealed in the dash-board of the vehicle. One of the packages was probed by CBP Officer Castillo, producing a white crystal substance, which field-tested positive for the presence of methamphetamine. The 20 packages of methamphetamine had a combined net weight of approximately 11.96 kilograms (26.31 pounds).